

DRAFT

CRIMINAL JUSTICE SERVICES BOARD MINUTES *September 26, 2002*

Members Present

Sheriff Beth Arthur
Ms. Emily M. Bryant
The Honorable Linda Curtis
Ms. Marla Graff Decker (*proxy for Attorney General Kilgore*)
Mr. Jeffrey Dion
Sheriff Vernie W. Francis, Jr.
Chief Atlas L. "Joseph" Gaskins, Chairman
Judge Catherine Hammond
Mr. Frederick A. Hodnett, Jr.
Mr. John Jabe (*proxy for Acting Director of DOC*)
The Honorable Jerrauld C. Jones (*Director of DJJ*)
Dr. Jay Malcan
Mr. G. Jeffrey Mason
Colonel Gerald Massengill
The Honorable Robert E. Maxey, Jr.
Mr. Walter A. McFarlane
Colonel Andre Parker
The Honorable Beverly Sherwood (*non-voting member*)
Ms. Carol Sievers (*proxy for Helen Fahey*)
The Honorable Kenneth W. Stolle (*non-voting member*)
Ms. Mary Kay Wakefield
Mr. Christopher R. Webb
Judge Patricia L. West

Members Not Present

Dr. Paul Ferrara (*non-voting member*)
Dr. Marcella Fierro (*non-voting member*)
Mr. Thomas W. Fore, Sr.
The Honorable Robert Hurt (*non-voting member*)
Chief Dennis A. Mook
The Honorable Martin E. Williams (*non-voting member*)

DCJS Staff Present

Leon Baker
Ron Bessent
Dan Catley
John Colligan
Dan Gilmore
George Gotschalk
Jim Hodgson
Greg Lilley
John Mahoney
Elizabeth Mancano

Laurel Marks
Joe Marshall
Robert Mathieson
Ursula Murdaugh
Katya Newton
Thomas Nowlin
Mandie Patterson
Robin Porter
Janice Waddy
Christine Wiedemer

Others Present

George Haudricourt, A.D.T. Security Services, Inc.

Welcome and Swearing-In of New Chairman and Members

Director Leonard Cooke asked the members to take their seats. He then introduced Deputy Secretary Judith Anderson from the Office of the Secretary of the Commonwealth. Ms. Anderson placed a Bible on the podium and asked all the Board members to rise to take an oath to be officially sworn in. Next, Ms. Anderson swore in Chief Gaskins as the new Chairman.

Call to Order

The meeting was called to order by the new Chairman, A. L. (Joe) Gaskins at 11:10 a.m.

Approval of the Minutes

Chairman Gaskins called for a motion to approve the minutes of June 13, 2002. The motion was made and seconded. The minutes were unanimously approved as recorded.

Director's Report

Director Cooke took a moment to explain his memo of September 18, 2002, concerning grant application submission deadlines. Mr. Walter McFarlane was asked to comment on his memo dated November 26, 2001, which addressed the protocol for considering late grant applications. In essence, Mr. McFarlane asked the Board to approve the use of "postmark dates." At its December 13, 2001 meeting, the Board voted to adopt Mr. McFarlane's suggestion.

Director Cooke then took some time to elaborate on the problems that the DCJS staff have been encountering when they use the "postmark dates." The members briefly discussed the problems, and the Chairman called for a new motion. Mr. Hodnett motioned that the Board go back to the policy of using "received by" dates as the official policy for accepting and considering grant applications. The motion was seconded and passed unanimously.

Director Cooke talked about the budget and how it may affect DCJS. He said he could not get specific because the actual figures are still being reviewed by the Governor's staff, and all information concerning the budget is confidential. He did say that all of the state-funded activities and programs were evaluated critically and fairly, and he promised to release the Governor's decision once it was received. As far as the "hold" on Byrne funds for new projects, Director Cooke said that DCJS felt it best to wait on funding new initiatives until it knows the impact of the budget reductions. He said that the Byrne grant review process will resume in late fall and will be back on the agenda for the December meeting.

Director Cooke advised the members that DCJS received the paperwork (in the form of a grant award) from the federal Office of Justice Programs committing \$6.5 million in federal funds for the Integrated Criminal Justice Information System (ICJIS).

Lastly, Director Cooke told the members that DCJS has begun the process of amending the law enforcement training regulations in response to House Bill 1053 and that DCJS has been conducting research on the subject of bias-based policing for the purpose of developing a model policy for dissemination to law enforcement agencies.

Committee on Training Report

Chief Maxey advised that the committee heard reports from George Gotschalk, Judy Kirkendall, and Elizabeth Mancano. The topics ranged from homeland defense training, in-service and instructor certification rules, electronic training, dispatcher curriculum review, budget issues, mandated training for field training officers, and House Bill 1053 on bias-based policing.

(A more detailed version of the Committee on Training report can be viewed on the Town Hall website where the minutes were posted by Thomas Nowlin, Secretary to the Committee on Training.)

ICJIS Update

Mr. Greg Lilley gave a brief project overview to help the new members understand the undertaking at hand. He talked about the scope agreement which defines the subprojects to be completed during the next two years and stated that obtaining written signatures on this document from the heads of key state agencies was a major breakthrough. Based on the scope agreement, DCJS prepared a grant application and received a grant award letter from the Office of Justice Programs authorizing federal funds to proceed with the Charge Standardization phase of the project. Major deliverables include Offense Tracking Numbers, CSP data standards, and two-dimensional bar codes. The most important objectives are to enhance public safety by improving the quality of data available to criminal justice decision makers, to reduce duplicate data entry, to reduce the use of paper-based forms, to expand access to criminal justice data, and to improve the technical architecture that supports criminal justice applications. Specific performance measures are being developed to objectively measure how successfully the project achieves its goals. During the next quarter, DCJS will be working toward obtaining written

signatures on several planning and technical documents that are needed before we can go forward with the development.

Private Security Services Advisory Board Vacancy

Mr. Fred Hodnett told the members that the Nominations Subcommittee received three applications for the armored car position vacated by the resignation of Steven Masterson. The subcommittee recommended Kevin S. Hodges of Loomis, Fargo and Company from Roanoke to fill the vacancy.

The Chairman called for a discussion. Hearing none, he called for a motion. The motion was made, seconded, and passed unanimously.

Court-Appointed Special Advocate (CASA) Advisory Committee Appointments

Mr. Fred Hodnett said the Nominations Subcommittee received two applications for the Advisory Committee to the CASA and Children's Justice Act Programs. The subcommittee was recommending Eric Olsen for the position of prosecuting attorney and Dr. Fred Orelove for the position representing the field of individuals with disabilities. Each would serve a four-year term if appointed.

The Chairman called for a discussion. Hearing none, he called for a motion. The motion was made, seconded, and passed unanimously.

Proposed Regulations for Implementation of DNA Arrestee Law

Ms. Katya Newton, legal counsel for the Division of Forensic Science, advised that the DNA Arrestee Law becomes effective January 1, 2003. The proposed regulations are necessary for the implementation of the law, which requires saliva or tissue samples to be collected for DNA analysis from persons arrested for all violent felonies and certain burglaries. The regulations provide guidance to the agencies that will be responsible for collecting the DNA samples by explaining when a sample is required, how the sample is to be collected and labeled, and how to transport the sample to the Division of Forensic Science for analysis.

Ms. Newton showed the members a sample kit and form which will be used at the booking location. She indicated that no blood samples will be taken, only saliva or tissue ones. She said that the Division of Forensic Science will be distributing the kits to local law enforcement offices and the courts prior to January 1, 2003.

Senator Stolle asked Ms. Newton if there was an age limit for the samples; he was concerned about how the new law applies to juveniles. Mr. Dion wanted to know the cost to the localities. Mr. Jerrauld Jones, the Director of the Department of Juvenile Services, asked Ms. Newton if his agency could be involved in the juvenile issues if it is determined that juveniles are covered by the new law. Chairman Gaskins stated that the regulations needed more clarification in their language and asked Ms. Newton to address the areas of concern. She said she would get more specifics regarding the gray areas and present them to the Board at the December meeting.

Consideration of Certified Crime Prevention Community Program (CCPCP) Application for Hanover County

(For background information: At the June meeting, Mr. Walter McFarlane advised the members that, even though Doug Smith from the DCJS Crime Prevention and Law Enforcement Section had worked extensively with Hanover County, the subcommittee had a number of questions and felt that the application needed additional work. The subcommittee recommended that Hanover County be given an extension until August 12, 2002, to complete its application. Mr. McFarlane noted that Doug Smith will supply the county with the subcommittee's list of issues.)

At the September meeting, Mr. McFarlane advised that Hanover County provided much more detail in their revised application. The issues cited in June had been addressed and new information was provided. The review subcommittee met on September 19 to reconsider Hanover's application. Based on the new documentation and revisions, the subcommittee voted unanimously to recommend to the Board that Hanover County be recognized as the Sixth Certified Crime Prevention Community in the Commonwealth. Mr. McFarlane advised that the subcommittee added a caveat to the recommendation: Hanover County Sheriff's Office will have to conduct a thorough evaluation of its Community Policing Program in order to be able to present results if Hanover plans to apply for recertification in the year 2005.

The Chairman called for a discussion. Hearing none, he called for a motion. The motion was made by Mr. McFarlane and seconded by Ms. Wakefield. There were no recusals; the motion passed unanimously.

Consideration of Juvenile Accountability Incentive Block Grant (JAIBG) Applications

Mr. James Hodgson, the JAIBG Manager from the DCJS Juvenile Services Section, advised that the grant under discussion (No. 03-D3302JB01) will provide continuation funding for the self-contained sex offender treatment program in the Department of Juvenile Justice's juvenile correctional centers where services are provided for over 60 juveniles. This award will provide money for both salaries of the sex offender treatment specialists and operational costs.

Mr. Hodgson said the grant is in its third year. He noted that early research suggests the recidivism rate of young people who participate in this program has been greatly reduced. He said the main consequence of not funding this request is the elimination of 60 self-contained sex offender treatment beds.

The Chairman called for a discussion. Hearing none, he called for a motion. The motion was made by Mr. Dion and seconded by Ms. Wakefield. Mr. Jerrauld Jones from the Department of Juvenile Services recused himself. All other members voted unanimously to approve the JAIBG grant.

New Business and Adjournment

Chairman Gaskins asked if anyone in the audience had any further business to present to the Board. In the absence of further business, the Chairman called for a motion. A motion to adjourn was made, seconded, and passed unanimously. The meeting adjourned at 12:15 p.m.

Respectfully submitted:

Christine Y. Wiedemer

Approved:

The Honorable Joseph Gaskins
Chairman

Date